

PLANNING COMMISSION REPORT



MEETING DATE: September 1, 2004

ITEM NO. _____

GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

69th St Abandonment - 11-AB-2004

REQUEST

Request to consider the following:

1. Abandon the entire 69th Street right of way connection between Lowden Road and Wildcat Drive.
2. Abandon 5 feet of excess right of way on the northern boarder of Lowden Road
3. Abandon the 33 foot wide Government Land Office (GLO) roadway and utility easement located on lot:
 - The north and eastern property boundaries of parcel number APN 216-67-080, Land Patent #1193999
 - The north and western property boundaries of parcel number APN 216-67-011, Land Patent #1172908
 - The east and southern property boundaries of parcel number APN 216-67-003-A, Land Patent #1178565
 - The west and southern property boundaries of parcel number APN 216-67-157, Land Patent #1204032
4. Dedicate a five (5) foot wide right of way dedication along the northern property frontages of parcels, 216-67-080, and 216-67-011.
5. Reserve a twenty (20) foot wide water line easement along the western property frontage of parcels, 216-67-011 and 216-67-157.

Related Policies, References:

General Plan: Community
Mobility Element, Trails Master
Plan

OWNER

Dave & Linda Burns
480-575-8620

APPLICANT CONTACT

Lynne Lagarde
Earl, Curley & Lagarde
602-265-0094

LOCATION

69th St Between Wildcat & Lowden

BACKGROUND

Background.

The subject 33feet GLO patent roadway and public utility easements were dedicated on the original GLO patent deed in 1954. The subject 69th street alignment is an unimproved right of way located between Lowden Road and Wildcat Drive. The right of way was dedicated with the approval of building permits for the lots that front this street. The 69th Street roadway is not used to



access the lots along this alignment. Lowden road is currently a 50-foot road classified as a local residential, this classification is only required to have a 40-foot width as per ESLO, and City transportation design standards.

General Land Office Patent Easements (general information).

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.
- Most GLO lots were patented with 33 feet (or sometimes 50 feet) roadway and public utility easements typically “as near as practicable to the exterior boundaries”.
- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e. lot splits, subdivisions or requesting building permits) staff requires city right-of-way dedications per our circulation plans. The city’s transportation plan establishes a street system to replace the grid pattern created by the GLO easements.
- Any patent easements in excess of the current requirements to the circulation plans (including trails), roadway standards, and not required to insure access to any other lot, may be requested to be abandoned.
- On 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all right-of-ways, alleys, and roadway easements. The City Attorney’s office has concluded that this process for consideration of GLO roadway abandonment satisfies legal requirements.

The subject GLO roadway easements were reserved on the original patent deed to assure legal access. Currently the GLO easements are improved.

Zoning.

The site is zoned R1-70 ESL FO, Single Family Residential Environmental Sensitive Lands Ordinance with the Foothills Overlay District.

Context.

The four lots are not within a subdivision and are described by metes and bounds and fronted along 69th Street. The surrounding property is also zoned R1-70 ESLO/FO.

Goal/Purpose of Request.

This request is to abandon the entire 33 feet of GLO roadway and public utility easement along the boundaries of 4 residential lots located along the 69th Street alignment between Lowden Road and Wildcat Drive. The abandonment of the entire 69th Street right of way between Lowden Road and Wildcat Drive is included in this request. The 69th Street right of way is unimproved and is not used to access the 4 lots along the alignment.

APPLICANT’S
PROPOSAL

Key Issues.***CITY IMPACT:***

- Reserves as 20-foot waterline easement along the 69th Street alignment.
- Dedicate an additional five (5) feet of right of way along the southern property boundaries of Lowden Road.
- Maintains consistency with city street standards as approved by the transportation department.
- Eliminate the city's interest in GLO easements.
- Allows the applicant to improve lot without encroachment into an unnecessary easement.

NEIGHBORHOOD IMPACT:

- Removes public access from the subject requested abandoned areas.
- Supports the foothills overlay by minimizing disturbance throughout this area.
- Acquires a public waterline easement along the 69th Street alignment.

PROPERTY OWNER IMPACT:

- Enables the property owner's full use of the subject abandonment areas for the enhancement of their properties.

Community Impact.

The surrounding properties all have existing access. Wildcat Drive and Lowden Road provide the east-west connection, and access to the 4 lots. The north south connection will continue north of Wildcat Drive and south of Montgomery Road. The existing waterline in the 69th Street alignment will be addressed by a 20-foot water line easement.

IMPACT ANALYSIS**Departmental Responses.**

City Department/Division participants concur with this abandonment request. See Department Issues Checklist (Attachment #1).

Transportation Impact

All streets are considered local residential streets on the city's Master Street Plan. Although there is existing right-of-way, this portion of 69th Street is not improved, nor is it being used to access any parcels. 69th Street is identified as a street on the Local Area Master Plan for this area, connecting Lone Mountain Road to Montgomery Road south of Lowden Road, but it is not needed to provide legal access to any of the subject parcels. Abandonment of the right-of-way will eliminate the potential for a local street connection between Wildcat Drive and Lowden Road; however, the city has no current plans to improve the roadway, and 68th Street will provide a more reasonable alternative for this connection. The 68th street alignment is located along the Phoenix/Scottsdale boarder and is considered the minor collector that will provide/south access to the parcels located west of this alignment.

Community Involvement.

The City posted public hearing notice signs in three locations, and mailed notices to all property owners within 300 feet of the subject site. The applicant notified 68 property owners within the immediate boundary of the site by

certified mail. At the time of writing this report, one phone call was received in support of the abandonment.

STAFF
RECOMMENDATION

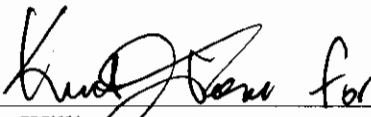
Recommended Approach:
Staff recommends approval.

RESPONSIBLE
DEPT(S)
STAFF CONTACT(S)

Planning and Development Services Department

Greg Williams
Senior Planner
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E-mail: gwilliams@ScottsdaleAZ.gov

APPROVED BY



Greg Williams
Report Author



Kurt Jones, AICP
Director, Current Planning

ATTACHMENTS

1. Departmental Checklist
2. Context Aerial
3. Detail Aerial
4. Land Map
- 4A. GLO Map
5. Area Trails Plan
6. Abandonment Area
7. City Notification Map

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Department Issues Checklist

Transportation

☒ Support

The residential parcels along 69th Street are currently using Lowden Road, and Wildcat Drive for access. 69th Street is identified as a street on the Local Area Master Plan for this area, connecting Lone Mountain Road to Montgomery Road south of Lowden Road, but it is not needed to provide legal access to any of the subject parcels. Abandonment of the right-of-way will eliminate the potential for a local street connection between Wildcat Drive and Lowden Road; however, the city has no current plans to improve the roadway and 68th.

Trails

☒ Support

The public trails are located along the southern boarder of Wildcat Drive within the right of way.

Public Utilities

☒ Support

All utility companies have submitted letters of support for this abandonment request with no reservations.

Emergency/Municipal Services

☒ Support

Emergency service access is being provided along the Wildcat Drive, and Lowden Road alignments.

Water/Sewer Services

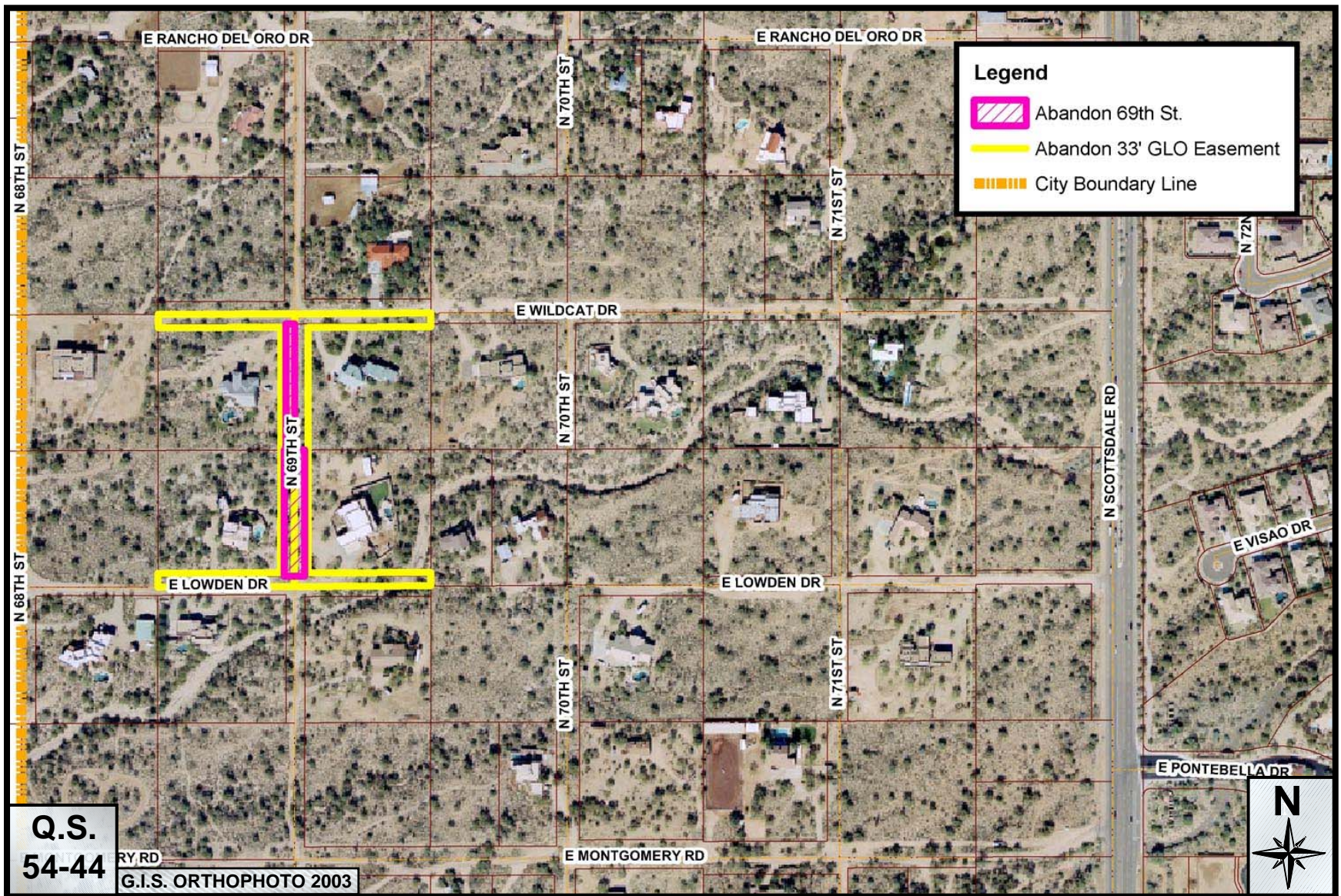
☒ Support

Water and sewer have no objection to the abandonment, and there will be a 20 foot waterline reservation over the 69th street alignment.

Drainage

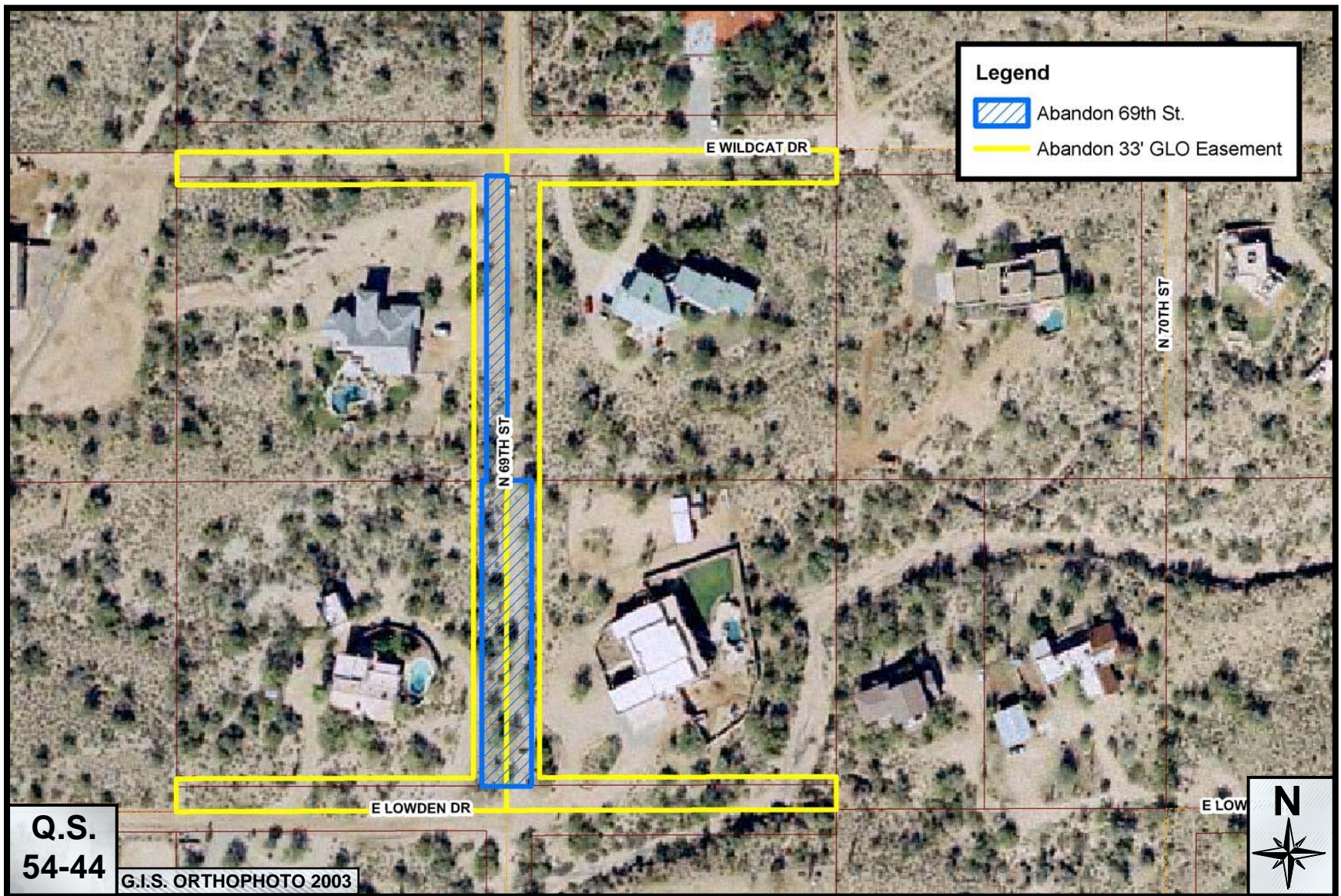
☒ Support

There are no drainage easement requirements for this abandonment.

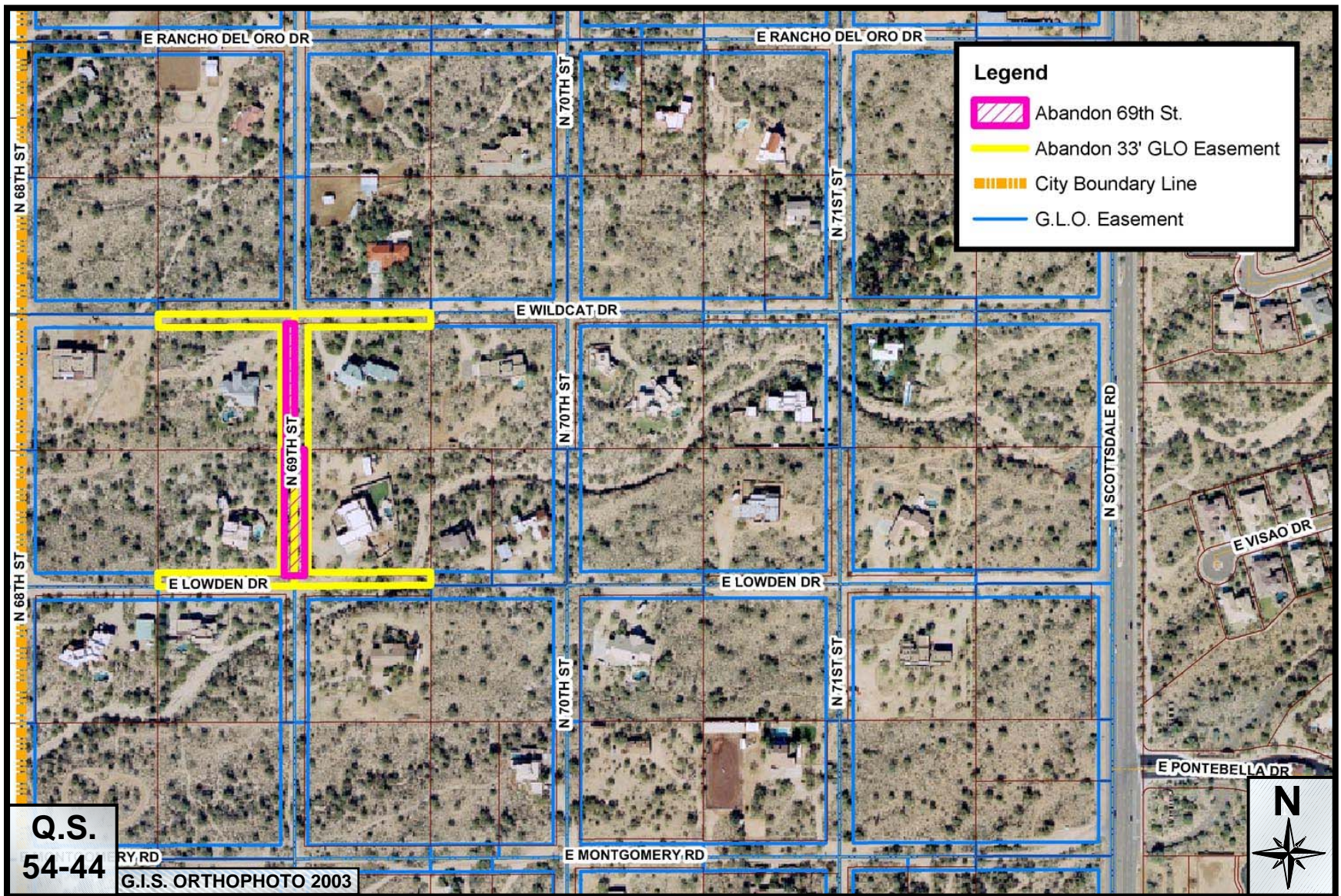


69th Street Abandonment

ATTACHMENT #2



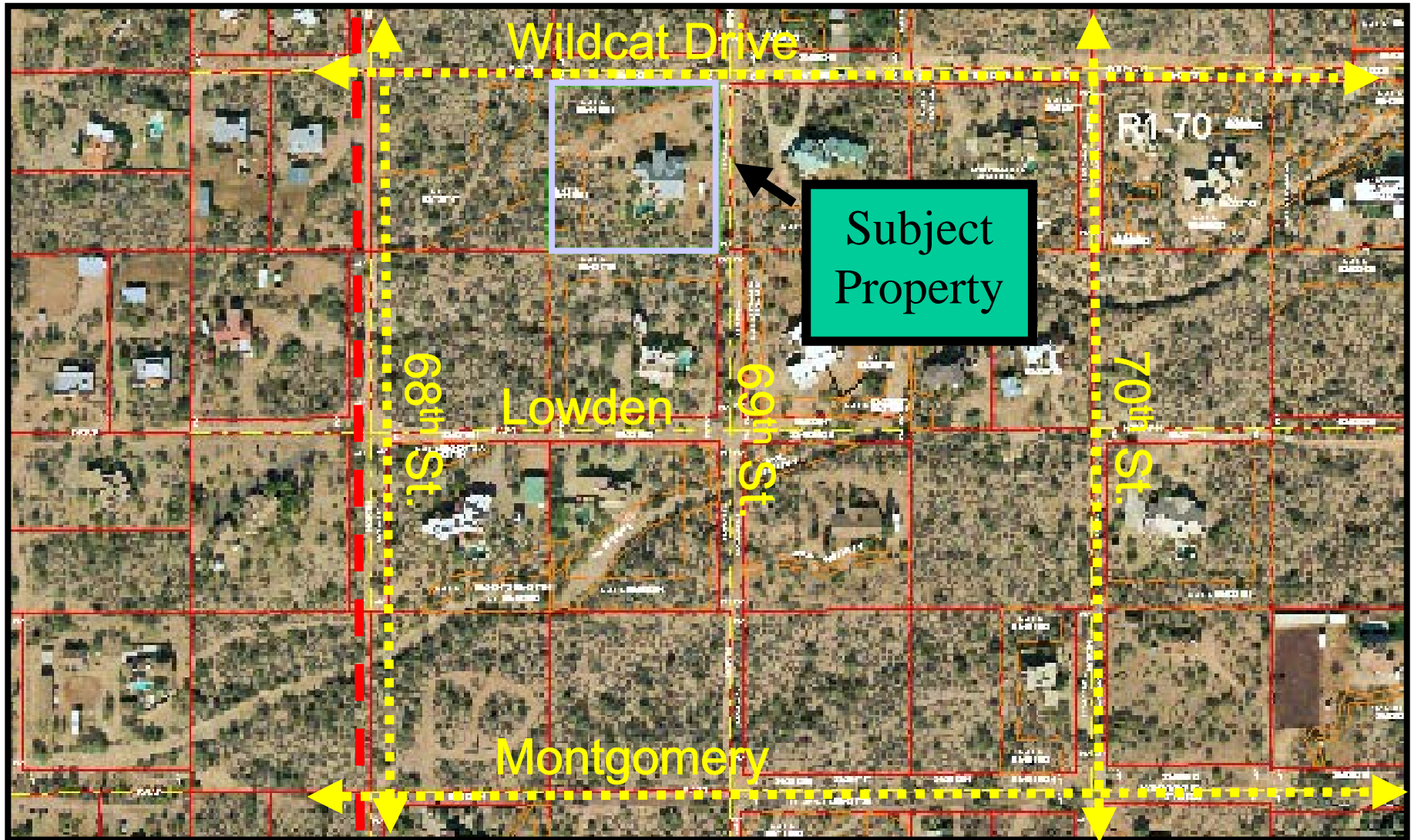
69th Street Abandonment



69th Street Abandonment

11-AB-2004

ATTACHMENT #4A



Planned Neighborhood Trails



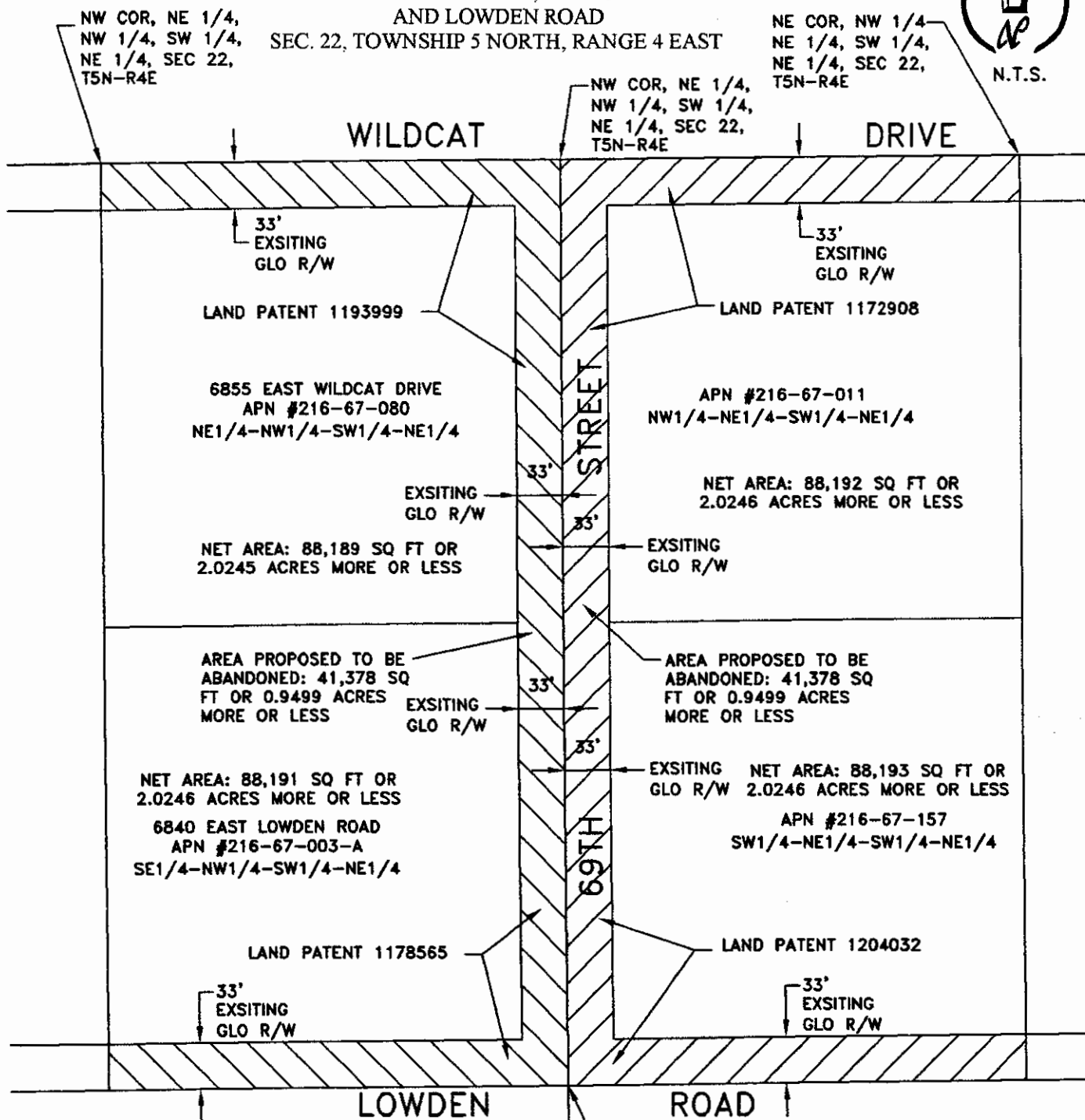
Scottsdale Corporate Boundary

Not
to
Scale



EXHIBIT A

GLO RIGHT OF WAY TO BE ABANDONED
ON NORTH 69TH STREET, WILDCAT DRIVE
AND LOWDEN ROAD
SEC. 22, TOWNSHIP 5 NORTH, RANGE 4 EAST



LEGEND

- PROPERTY LINE
- PROPOSED ABANDONMENT
- GLO R/W
- GLO RIGHT OF WAY

GLO RIGHT OF WAY TO BE ABANDONED
ON NORTH 69TH STREET, WILDCAT DRIVE
AND LOWDEN ROAD
SEC. 22, TOWNSHIP 5 NORTH, RANGE 4 EAST
SCALE: N.T.S. SHEET 1 OF 1

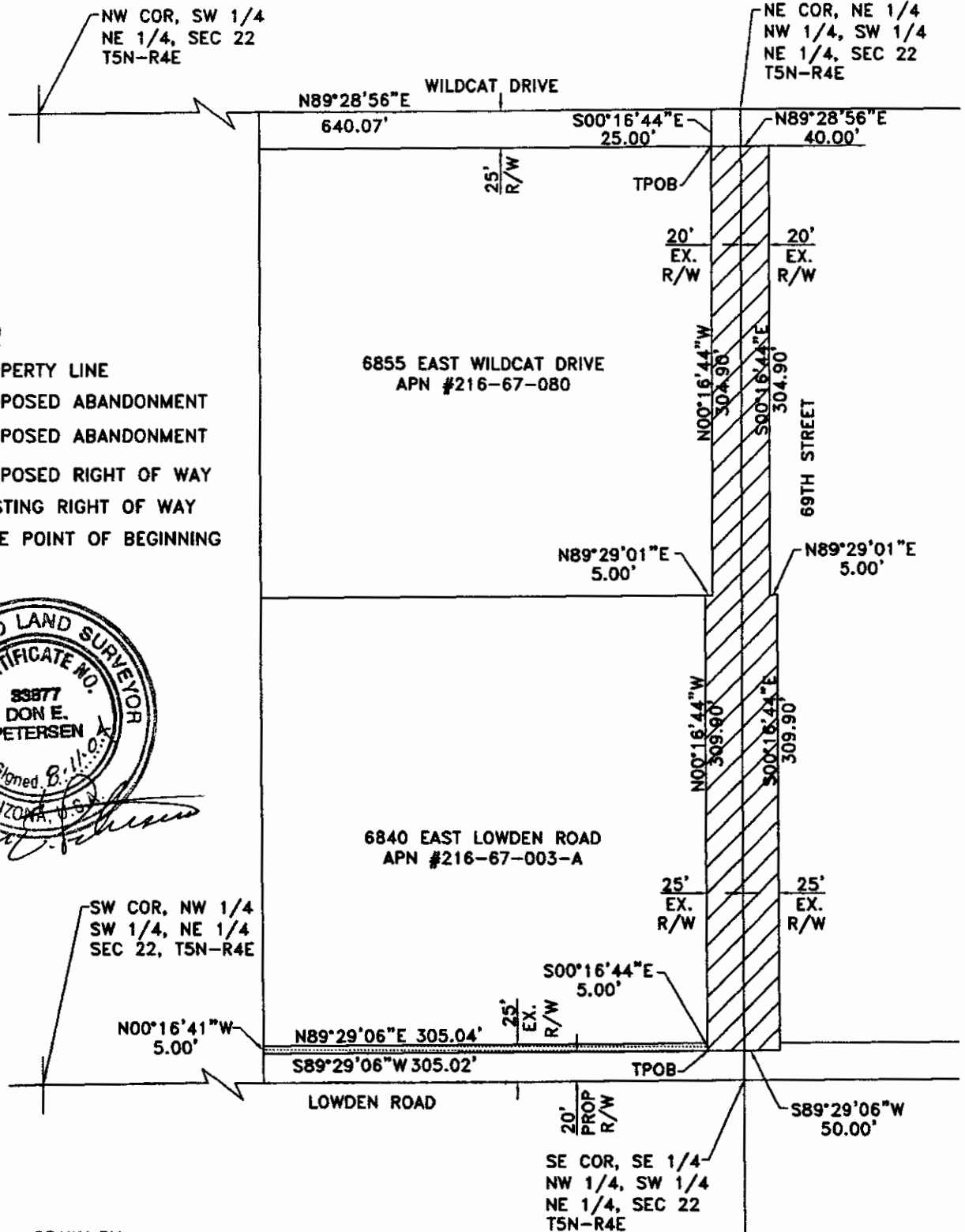
DRAWN BY:
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(602)954-0166 FAX (602)956-0289

JOB #S04018

EXHIBIT A
RIGHT OF WAY TO BE ABANDONED
ON 69TH STREET & LOWDEN ROAD
SEC. 22, TOWNSHIP 5 NORTH, RANGE 4 EAST



N.T.S.



LEGEND

- PROPERTY LINE
- //// PROPOSED ABANDONMENT
- PROPOSED ABANDONMENT
- PROP R/W PROPOSED RIGHT OF WAY
- EX. R/W EXISTING RIGHT OF WAY
- TPOB TRUE POINT OF BEGINNING

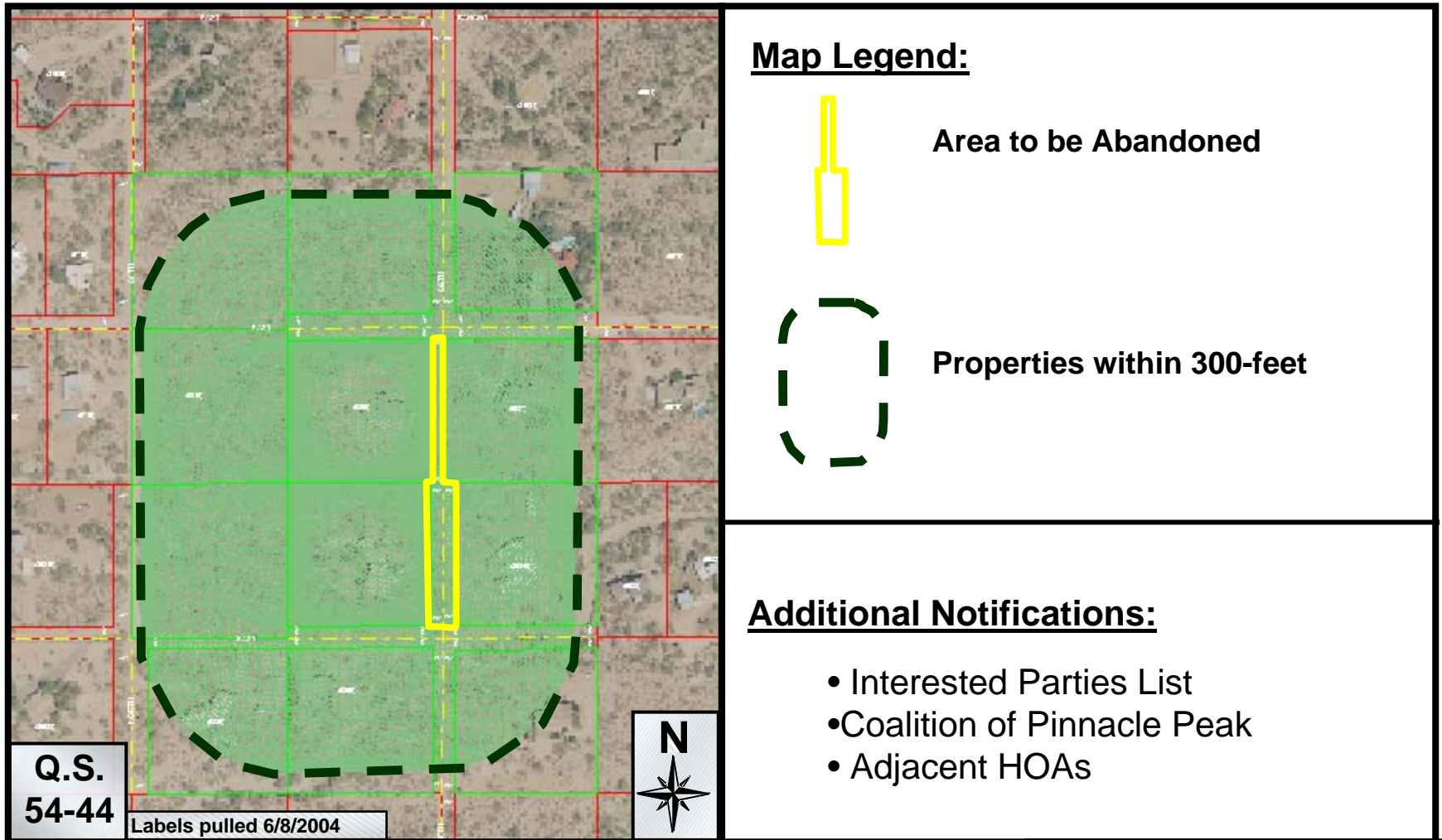


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JOB #S04018

RIGHT OF WAY TO BE ABANDONED
 ON 69TH STREET AND LOWDEN ROAD
 SEC. 22, TOWNSHIP 5 NORTH, RANGE 4 EAST
 SCALE: N.T.S. SHEET 1 OF 1

City Notifications – Mailing List Selection Map



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ATTACHMENT #7